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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,945	11/08/2000	Izumi Miyake	0879-0287P	9129

2292 7590 10/02/2003

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EXAMINER

WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 10/02/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,945

Applicant(s)

MIYAKE, IZUMI

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 1-4, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular in claim 1, lines 5-6 “an image folder at the time of depositing an image file which has an image file name including digit is present in the image folder” is not defined or distinctly claimed in a way one skilled in the art can understand the subject matter which applicant regard as invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-6, are rejected under 35 U.S.C. 102(a) as being anticipated by Hayashi (EP0982667).

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4. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

With respect to claim 1, Hayashi discloses an image file managing method, (as shown in fig 1-2), comprising the steps of: using a recording medium (memory 24 of fig 1) which has unique identification information, see (col.7, paragraph 0033-0034) recorded in a rewrite impossible area; discriminating (CPU 28 of fig 2, discriminate) between presence and absence of an image folder (image folder out of memory card 46 of fig 2) having an image folder name corresponding to the identification information (folder ID number shown in 24e of fig 4), at the time of depositing an image file recorded on the recording medium (24 of fig 1) in an image filing apparatus, see (col.8, lines 25-30); depositing the image file in the image folder is present, see (col.1, lines 45-50); and creating an image folder having the image folder name corresponding to the identification information when the image folder is not present and depositing the image file in the created image folder, see col.1, lines 40-45).

With respect to claim 2, Hayashi discloses an image file managing method, (as shown in fig 1-2), wherein an image file name is created by adding 1 to an image file name, see (col. 5, lines 35-40), which has a largest number out of deposited image files, see col.5, lines 25-34), and an image file deposited with this created image file name when an identical image file names is

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present in an image folder at the time of depositing an image file which has an image file name including a digit is present in the image folder, see (col.5, lines 50-55).

With respect to claim 3, Hayashi discloses an image file managing method, (as shown in fig 1-2), wherein the identification information on the recording medium (24 of fig 2) is read so that access can be made only to image files in an image folder which has an image folder name corresponding to the identification information, see (col.5, lines 50-55), image folder name is created by enciphering the identification information, see (col.5. lines 35-40)

With respect to claim 4, Hayashi discloses an image file managing method, (as shown in fig 1-2), wherein the image folder name is created by enciphering the identification information, see (col.5, lines 35-40).

With respect to claim 5, Hayashi discloses an electronic camera (14 of fig 1) which records image data on a recording medium (memory 24 of fig 1) by using the recording medium which has unique identification information (24e of fig 1, ID information), recorded in a rewrite impossible area the camera (14 of fig 2) comprising: an identification information acquiring device (CPU 28 of fig 2) which acquires the identification information from the recording medium (24 of fig 2); an image folder creating device (CPU 28 of fig 2) which creates an image folder having an image folder name corresponding to the identification information, see (col.5,

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lines 35-40) when an image folder having the image folder name corresponding to the identification information is not present or when the recording medium (24 of fig 2) is initialized; and a deposits device which deposits image data acquired at a photographing time as an image file together with an image file name in the image folder, see(col.5, lines 30-33).

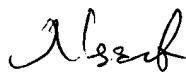
With respect to claim 6, Hayashi discloses an image file managing method, (as shown in fig 1-2),image data on a recording medium (memory 24 of fig 1) by using the recording medium which has unique identification information (24e of fig 1, ID information), recorded in a rewrite impossible area the camera (14 of fig 2) comprising: an identification information acquiring device (CPU 28 of fig 2) which acquires the identification information from the recording medium (24 of fig 2); an image folder creating device (CPU 28 of fig 2) which creates an image folder having an image folder name corresponding to the identification information, see (col.5, lines 35-40) when an image folder having the image folder name corresponding to the identification information is not present, see (col.5, lines 35-40); and depositing device which deposits an image file recorder on the recording medium (24 of fig 2) in the image folder corresponding to the recording medium, (memory 24 of fig 2).

5. Any inquiry concerning this communication or earlier communication from Examiner should be directed to *Negussie Worku* whose telephone number is (703) 305 5441.

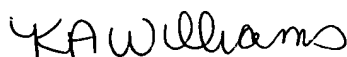
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The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, **Kimberly Williams**, can be reached on (703) 305-4863.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



09/23/03



Kimberly A. Williams
Primary Examiner
Technology Center 2600